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FOREST SERVICE

WILLIAM B. GREELEY, Forester

STATE FORESTRY LAWS

INTRODUCED BY CLASSIFIED SYNOPSES

VERMONT

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PURPOSE OF COMPILATION.

The compilation of State Forestry Laws, of which this leaflet is a part, aims to meet a manifest need of the times for a work of reference by means of which the basic legislation underlying forestry administration in the several States, and the various activities thereunder, may readily be studied and compared. To facilitate this purpose of comparing the legislation of one State with another, the Synopses introducing the laws in the several leaflets are classified and arranged to take up in a definite order the various subjects usually covered in such legislation. To further extend its educational purpose, only such of the State laws as bear more or less directly upon the practice of forestry are here compiled, to the exclusion of all other timber and tree laws, all forest-insect and fungus-control laws, except general provisions, and all transitory provisions of law, including those concerning annual or biennial appropriations.

For the same reason, those finer points of reference proper only to a legal or administrative manual have also been omitted. Succeeding issues of each State leaflet, to form a separate series for each State, will serve to keep these fundamental laws up to date and free from encumbrance by obsolete provisions.¹

SYNOPSIS OF LAWS.

GENERAL FORESTRY ORGANIZATION AND ACTIVITIES.

Commissioner of Agriculture.

Is appointed by the governor, with consent of the senate, to serve for a term of two years, subject to having his commission revoked by the governor upon recommendation of the board of control. Nos. 2, 38.

Receives a salary of \$3,000 per annum, and expenses and office supplies. Nos. 76, 77.

Is, ex officio, State forester. No. 6.

Promotes forestry by means of institutes, lectures, publications, and other educational work. No. 4. See also "Publications," on p. 3.

Employs assistants, lecturers, and other experts, subject to the approval of the governor, and of the board of control, including the fixing of salaries or other compensation. Nos. 4, 2, 39.

Attends meetings in other States or countries. No. 4.

Expends funds for exhibits, etc., outside of the State. No. 4.

Apportions to forestry, under approval of the governor, proper proportion of the funds annually available for agriculture and forestry. No. 3.

Expends, for forestry purposes, the revenues derived from royalties and the sale of timber resulting from the operation of mines and quarries upon public lands of the State. No. 69.

Makes report and recommendations to the governor, biennially, including therein the report of the State forester. No. 5.

Willful neglect to perform any of the above-described duties is punishable by imprisonment for not more than one year, or by a fine of not more than \$1,000, or by both. Nos. 72, 73, 74.

State Forester.

Receives appointment, salary, expenses, and office supplies, and holds office, in his capacity as commissioner of agriculture. Nos. 6, 2, 38, 76, 77.

Has direction of all forestry matters. No. 6.

Appoints the chief forester. No. 6.

Is, ex officio, in charge of, and manages, the State forest nursery. No. 6.

Cooperates with private owners, at their expense. No. 6. See also "Cooperation," on p. 3.

Employs assistance subject to approval of the governor and of the board of control, including the fixing of salaries or other compensation. Nos. 4, 2, 6, 39.

Causes the prosecution of persons violating laws concerning forests. No. 6.

Collects data and makes expert forest studies. No. 6.

Prepares and circulates at the expense of the State bulletins and circulars, delivers lectures, and conducts demonstrations. No. 19. See also "Publications," on p. 3.

Makes report and recommendations to the governor biennially, (Published with report of commissioner of agriculture.) Nos. 7, 5.

Is, ex officio, State firewarden. No. 6.

Is subject to a fine of not more than \$10 for neglect to perform any of the above-described duties. No. 23.

Determines the value of trees cut by mine and quarry operators on the public lands of the State and makes report thereon to the secretary of state, under penalty, in case of willful neglect to perform such duties, of imprisonment for not more than one year, or a fine of not over \$1,000, or both fine and imprisonment. Nos. 68, 72, 73, 74.

Chief Forester.

Is appointed by the State forester, to hold office during his pleasure. No. 6.

Receives such salary and expenses as are fixed by the board of control. No. 39.

Is required to be a professionally trained forester. No. 6.

Is subject to the orders of the State forester. No. 6.

Cooperates, under approval of the governor, with: (a) The Vermont Agricultural Experiment station and the U. S. Forest Service, in experimental forestry investigations; and (b) the state agricultural college, in lectures

¹ Whenever this leaflet or any other comprising a part of this compilation of "State Forestry Laws" is reprinted for local use, please append thereto the following note: This arrangement of the Forestry Laws of is reprinted from "State Forestry Laws," compiled and issued, in leaflet form by the Forest Service, U. S. Department of Agriculture. Similar leaflets for other States, so far as available, and information concerning forestry laws generally will be furnished upon request addressed to "The Forester, Forest Service, Washington, D. C."

The State Forestry Laws leaflets which have been already published are as follows: No. 1, Wisconsin; No. 2, Louisiana; No. 3, North Carolina; No. 4, Maryland; No. 5, Missouri; No. 6, Texas; No. 7, Virginia; No. 8, Idaho; No. 9, Oregon; No. 10, Wyoming; No. 11, New Jersey (supply exhausted); No. 12, Washington; No. 13, Indiana; No. 14, Minnesota; No. 15, Montana; No. 16, Illinois; No. 17, Ohio; No. 18, Connecticut; No. 19, Massachusetts; No. 20, New Hampshire; No. 21, Colorado; No. 22, West Virginia; No. 23, New York. Requests for leaflets should always identify the particular ones desired by giving their respective numbers, as here indicated, in addition to mentioning the names of the States. The laws of other States, so far as they have been compiled, are available only for loan, through the Forest Service Library, Washington, D. C.

and demonstrations concerning forestry; each of said agencies bearing its proportional share of the total expenses. No. 6.

Is subject to a fine of not more than \$10 for neglect to perform any of the above-described duties. No. 23.

Expert or other Assistants.

Are employed subject to the approval of the governor, and of the board of control. Nos. 4, 2, 6, 39.

Salary or other compensation of persons so employed is fixed by the board of control. No. 39.

Cooperation.

Is authorized:

With private owners of forest lands, at their expense. No. 6.

With certain State and Federal agencies, under approval of the governor; each of which agencies bears its proportional share of the total expenses. No. 6.

State Forest Nursery.

Supplies forest seedlings:

At cost, within the State, together with directions for planting the seedlings, and, as far as practicable, skilled assistance or supervision, at applicant's expense, upon request therefor. Nos. 24, 25, 26.

At market prices, outside of the State. No. 27.

Is located on land of the Vermont Agricultural Experiment Station. No. 24.*

Is in charge of, and managed by, the State forester. No. 6.

Revenue acquired through sales of surplus stock for use outside of the State is turned into the State treasury for general forestry purposes. No. 25.

Costs of management are defrayed out of the general funds available for forestry purposes. No. 25.

Investigation and Education.

Are promoted:

By institutes, lectures, publications, and other activities conducted by the commissioner of agriculture,

including the authority to expend funds for exhibits, etc., outside of the State. No. 4. See also, below, "Publications."

By collection of data, expert studies, bulletins, addresses, lectures, and demonstrations by the State forester. Nos. 6, 19.

By cooperation, on the part of the chief forester, with the Vermont Agricultural Experiment Station and the U. S. Forest Service, in experimental forestry investigations; and with the State agricultural college, in lectures and demonstrations concerning forestry. No. 6.

By instruction in forestry provided in the State school of agriculture at Randolph, and the Theodore N. Vail agricultural school and farms at Lyndon; and in Middlebury College. Nos. 59, 60.

Publications.

Are issued in the form of bulletins, circulars, and annual reports, by the commissioner of agriculture and the State forester, relative to State forest conditions, the care of woodlands, best methods of lumbering, promotion and preservation of forest growth, prevention and control of forest fires, with the State laws thereon, and kindred subjects. Nos. 4, 5, 6, 7, 19.

Income From Sources Other Than Annual or Biennial Appropriations.

For general forestry purposes, is derived:

From sales of forest seedlings, propagated in the State forest nursery. No. 25.

From sales of timber and other products of State forests. No. 8. See also No. 69.

From royalties and sales of timber on other State lands. No. 69.

For forest fire protection,² is derived from private lands not sufficiently protected. No. 11.

FIRE ORGANIZATION AND ACTIVITIES.

Commissioner of Agriculture.

Is, ex officio, State forester. No. 6.

State Forester (State Firewarden).

Is, ex officio, State firewarden. No. 6.

Receives appointment (including term of office), salary, expenses, and office supplies, in his capacity as commissioner of agriculture. Nos. 6, 2, 38, 76, 77.

Is empowered to exercise such powers and to perform such duties¹ as a firewarden in a town or gore, and with like

effect; and is subject to a fine of not more than \$25 for failure to perform the same. Nos. 6, 14.

Approves appointment of town forest firewardens by town boards of selectmen; and appoints such firewardens when the selectmen fail to do so. No. 11.

Divides towns into districts, as conditions may demand and appoints necessary district forest firewardens. No. 17.

Appoints forest firewardens for unorganized towns and gores. No. 12.

¹ For the powers and duties of a firewarden in a town or gore, see "Forest Firewardens," on p. 4, and also "Municipal Forests," on p. 6.

² While the State fund which is available, annually, for meeting unforeseen forest fire emergencies can not be considered as a permanent source of income, it nevertheless constitutes a fund upon which, on ap-

proval by the committee on budget, the State depends to cover: (a) All sums spent for forest protection purposes, by organized towns, in excess of 10 per cent of the grand list of each town (see No. 11); and (b) all per diem and other expenses of forest fire-protection work in unorganized towns and gores (see No. 12), with the exception of the costs of employing watchmen at fire lookout stations (see No. 16).

Approves, or directs, establishment of patrol by forest firewardens. No. 14.

Uses portions of the money apportioned for forestry:¹

To defray costs of maintaining watchmen at fire lookout stations. No. 16.

To defray expenses of wardens attending meetings for discussion of forest fire problems. No. 15.

Determines what unoccupied or uninclosed lands containing inflammable material in organized towns have not been provided during the previous year with adequate protection against fire, such lands being subject to a special tax levy. No. 11.

Certifies to State auditor of accounts, for payment, approved accounts of town forest firewardens and their assistants for services rendered in adjoining towns, whenever those towns fail to make such payments. No. 11.

Prepares and furnishes to firewardens and landowners forest fire notices for posting. No. 22.

Prepares and publishes bulletins or circulars concerning prevention and control of forest fires, and containing the State laws thereon. No. 19. See also "Publications," on p. 3.

Furnishes blank forms to firewardens for reports upon forest fires. No. 13.

Causes the prosecution of persons who violate forest or fire laws of the State. No. 6.

Makes report, biennially, to the governor of his official acts and all matters in his charge, with recommendations. No. 7.

Is subject to a fine of not more than \$10 for failure to perform any of the above-described duties.² No. 23.

Forest Firewardens.

In organized towns.

Town forest firewardens:

Are appointed by the board of selectmen of each town, annually, on or before January first, subject to the approval of the State firewarden, to serve for one year; except in the case of the chiefs of fire departments, who act in such capacity, ex officio, (without additional compensation) whenever there are woodlands within the limits of a city. Nos. 11, 18.

Are also appointed by the State firewarden when the selectmen fail to do so by the first of March. No. 11.

Receive from the town \$3 a day for time spent in the discharge of their official duties. Nos. 11, 14.

Are restricted to specified districts within their respective towns whenever, in the judgment of the State firewarden, the conditions in a town call for the services of more than one firewarden. No. 17.

¹ See No. 3.

² The penalty provision here referred to is that prescribed for any state officer, whose firewardens, although coming within the class of state officers, are subject to a special fine of not more than \$25. See, below, under "Forest Firewardens," the penalty statement, on this page.

District forest firewardens:

Are appointed by the State forest firewarden, and assigned to take charge of specified districts within towns which are found to require more than one firewarden, and receive the same compensation from towns as town forest firewardens. No. 17.

In unorganized towns and gores.

Forest firewardens:

Are appointed by the State firewarden, for a term of one year; and receive from the State \$3 a day for time spent in the discharge of their official duties. No. 12.

In all towns and gores.

All forest firewardens:

Establish fire-patrol, subject to approval of the State firewarden, in dangerous localities, during the danger season; the expense of which is paid the same as costs of fire-fighting.³ No. 14.

Take required measures for the prompt control or extinguishment of forest fires, actual or threatened, within their respective jurisdictions, and also in adjoining towns when necessary. Nos. 11, 18, 17, 12, 6.

Enter any premises. Nos. 11, 18, 17, 12, 6.

Impress residents of the town to render assistance; which authority, in the case of firewardens for unorganized towns or gores, is extended to include also summoning persons from outside thereof. Nos. 11, 18, 17, 12, 6.

Determine when watchmen shall be maintained at fire-lookout stations. No. 16.

Post warning notices in suitable places. No. 22.

Perform patrol duty. No. 14.

Arrest without warrant violators of forest fire laws, and make complaints to the proper officer. Nos. 11, 23, 18, 17, 12, 6.

Attend local meetings for discussion of fire problems, upon request of the State firewarden. No. 15.

Keep official records, showing expenses incurred, and number and causes of fires within their respective jurisdictions, with the areas burned over, and the character and amount of damage done; and make report thereon to the State firewarden, within two weeks after a fire. No. 13.

Suffer no abridgement of authority in consequence of the similar authority given the State firewarden. No. 6.

Are subject to a fine of not more than \$25 for failure to perform their duties, without sufficient reason therefor.⁴ No. 14.

Patrolmen.

Are employed, in dangerous localities, during the danger season, by the town (or by the State, in unorganized towns or gores), under the direction of the forest fire-

³ For payment of costs of fire-fighting, see Nos. 11, 12.

⁴ See footnote 2 in column 1.

wardens, subject to the approval or direction of the State firewarden; and the cost thereof is paid in the same manner as expenses for fire-fighting.¹ No. 14.

Watchmen.

Are employed, by the State, under the direction of the State firewarden, at fire-lookout stations, whenever, in the judgment of a forest firewarden, their services are needed; and receive not to exceed \$2 per day. No. 16.

Landowners.

Establish, at their expense, fire-lookout stations, and connect the same, by telephone, with regular lines of telephones. No. 16.

Are furnished with fire warning notices for posting in suitable places. No. 22.

Are subject to a special tax levy by towns if they neglect to protect their forest lands. No. 11.

Fish and Game Officials.²

State fish and game commissioner:

Attends to the publication and posting of proclamations establishing and reopening close seasons for hunting during times of drought and payment of costs thereof. No. 67.

County and deputy fish and game wardens:

Enforce forest fire provisions of title 38 of the General Laws. No. 64.

Have power to require aid in enforcing the duties of their office. No. 64.

Arrest violators. No. 64.

Serve criminal processes. No. 64.

Make and subscribe to the necessary complaints or informations. No. 64.

Caution persons concerning danger from fires in woods. No. 64.

Extinguish fires left burning. No. 64.

Notify all parties interested and the forest firewarden of the town whenever a fire threatens to extend beyond their control, and exercise all the powers and duties of such firewarden until his arrival.³ No. 64.

Render expense accounts for forest fire work to the treasurers of the towns in which the fires occur, who arrange for payment thereof in the manner provided for payment of forest firewardens.³ No. 64.

Fire-fighting Laborers.

Are impressed by any one of the several classes of fire-fighting officials having authority to take such action, and are subject to a penalty of not more than \$10 for neglect or refusal to comply with such summons. Nos. 11, 18, 17, 12, 6, 64.

¹ For payment of costs of forest fire-fighting, see Nos. 11, 12.

² Willful neglect to perform any of these duties is punishable by imprisonment for not more than one year or a fine of not over \$1,000, or by both. (See Nos. 72, 73, 74.)

³ For powers and duties and payment of forest firewardens, see "Forest firewardens," on p. 4, and "Municipal forests," on p. 6.

Are paid by the town concerned if the same is organized; otherwise, by the State, at the same rate per hour as is paid for labor on highways, upon a minimum basis of 5 hours' pay (see Nos. 11, 12); and, in event of failure on the part of any organized town to duly make payment for such service, rendered in an adjoining town, the State pays therefor, and is subsequently reimbursed by the town. No. 11.

Distribution of Costs of Fire Protection.

State pays:⁴

Entire cost of fire protection in unorganized towns and gores.⁵ No. 12.

Such portion of the cost of fire protection in organized towns as may be in excess of 10 per cent of the grand list of each town.⁵ No. 11.

Cost of employing watchmen at fire-lookout stations in all towns and gores. No. 16.

Expenses of forest firewardens attending meetings for discussion of forest-fire problems. No. 15.

Costs of printing and circulating bulletins or circulars concerning prevention and control of forest fires, and the forest fire laws of the State. No. 19.

Expenses of publishing and posting proclamations establishing, and, if necessary, reopening close seasons for hunting during times of drought. No. 67.

Organized towns pay:

Per diem of town forest firewardens, and district forest firewardens. Nos. 11, 17.

Expenses of fire-fighting within their respective limits, to an extent not to exceed 10 per cent of the grand list of each town; of which amount the town recovers not to exceed one-half, through a special tax levy of not to exceed five cents per acre, upon all unoccupied or uninclosed lands, or both, which contain inflammable material, and which are shown not to have been provided by the owner with adequate fire protection during the previous year. No. 11.

Expense of patrolmen employed within their respective limits, in the same manner as expenses for fighting fires. No. 14.

Costs of the performance of various duties incidental to forest fire protection. No. 14.

Landowners pay:

On account of their unoccupied and uninclosed lands, or both, containing inflammable material that has not been, during the previous year, provided with adequate protection against fire, a special tax levy of not to exceed five cents per acre, in reimbursement of the town for not to exceed one-half of the forest fire expenses in that year. No. 11.

⁴ In addition the State advances any amounts that may be due for fire-fighting services rendered by forest firewardens and their assistants in adjoining towns, when such towns neglect or refuse to pay for the same, the State being reimbursed therefor by the towns. (See No. 11.)

⁵ Payment is made from the moneys annually available for purposes of any unforeseen contingency, upon approval by the committee on budget, under the provisions of section 654, G. L. (See Nos. 11, 34.)

Fire Provisions for Special Classes of Hazards.*Railroads.*

Are required to use suitable devices and to exercise due caution to prevent injuring property through causing fires; and, in default thereof, when injuries are inflicted, the rolling stock or other property used in the running or management of the road is subject to attachment to furnish indemnity therefor, and the employee or agent guilty of the negligence is subject to imprisonment for not more than one year, or a fine of not more than \$1,000; which criminal procedure does not exempt either the railroad or its employees from an action for damages. Nos. 63, 62, 61.

Have an insurable interest in the property along their route. No. 63.

Compulsory brush and slash disposal.

Penalty for leaving brush and slash is imposed in the form of a tax upon unoccupied or uninclosed lands which have not been protected during the previous year. No. 11.

Fire Provisions for Miscellaneous Classes of Hazards.*Require:*

All unoccupied or uninclosed lands, or both, containing inflammable material, to be afforded adequate protection, under penalty of a special tax levy thereon, in event of failure to comply with the requirement. No. 11.

The times and conditions of kindling fires in the open shall be such as to insure control of the fires, under penalty of a fine not to exceed \$10. Nos. 20, 23.

Fires kindled in or adjoining woods to be totally extinguished before leaving them, under penalty of imprisonment for not more than 30 days, or a fine of not more than \$50, or both. No. 21.

In seasons of drought, that the governor, in the exercise of his discretion, may proclaim a close season for hunting. Nos. 65, 66, 67.

Prohibit:

Willful and malicious setting woods or forests on fire, so as to occasion injury to another, under penalty of imprisonment in the State prison for not more than 5 years, or fine of not more than \$500. No. 70.

Entering upon lands of another and setting a fire that causes damage, under penalty of imprisonment for not more than 60 days, nor less than 30 days, or fine of not more than \$100, nor less than \$10.³ No. 71.

Fire-warning Notices.*Are required:*

To be printed in large letters. No. 22.

To contain proper warnings as to the danger of forest fires, incorporating therein the provisions of sec. 478, G. L.⁴ which require total extinguishment, before leaving, of fires built in or adjoining woods, under penalty of imprisonment or fine, or both. No. 22.

To be furnished by the State firewarden, and posted by the firewardens in suitable places. No. 22.

Are permitted to be furnished also to private landowners. No. 22.

Willful removal or defacing thereof subjects the offender to a fine of not more than \$10 for each offense. No. 23.

PUBLIC FORESTS.**State Forests.**

Are established for the purpose of promoting and exemplifying a State forest policy. Nos. 8, 9.

Are acquired by the governor and State forester by means of gift,¹ of purchase, or of lease of lands. Nos. 8, 9, 1.

Are administered by the State forester and the commissioner of agriculture (Nos. 6, 8, 10); who are authorized:²

To provide necessary improvements, such as shelters, lookout towers, etc. No. 10.

To lease or sell mine or quarry sites. No. 69.

To sell timber and other products; and must turn the proceeds into the State treasury, for general forestry purposes. No. 8.

To survey and reforest the lands. No. 9.

To use for reforesting purposes, free of cost, seedlings raised in the State forest nursery. No. 25.

To prosecute for trespassing upon or injuring such lands through fire or other causes. No. 6.

Are taxed as are privately owned forest lands similarly utilized for forest production. Nos. 8, 46.

Municipal Forests.

Are established for the purpose of producing supplies of wood and timber. No. 28.

Are acquired by means of donation or by vote of the towns for purchase thereof, subject to examination as to their suitability for such use, in cases of tracts of not less than 40 acres. Nos. 28, 29.

¹ For general authority conferred upon the governor to accept gifts, to the State, of real and personal property, see, in volume of the General Laws, secs. 357, 358.

² Failure on the part of an officer to perform any of these duties named renders him liable to a fine of not more than \$10 (see No. 23), except in the cases of the duties of leasing and selling mines and quarry sites, and leasing additional lands for state forests, which cases fall under a general penalty; for which, see Nos. 72, 73, 74.

³ The provisions in No. 70 are not affected by these provisions in No. 71.

⁴ See No. 21.

Are administered under the direction of the State forester, who is required:¹

To advise what trees shall be planted. No. 29.

To use for reforestation purposes, free of cost, seedlings raised in the State forest nursery. No. 25.

To direct what trees may be cut and what products may be sold; and to see that the proceeds there-

from are turned into the treasury of the town owning the lands. Nos. 29, 30, 31.

To prosecute for trespassing upon or injuring such lands through fire.² No. 6.

Are protected by their respective town firewardens; who are paid for such services by the towns at the same rate as they receive for fighting forest fires, subject to the approval of their accounts by the State forester.³ No. 30.

TAXATION.

Classification of Forest Lands.

Groups lands to be classified on the basis of average age of stands, namely, as group 1 for "young timber lands" (under 15 years old), and as group 2 for "wild forest lands" (over 15 years old). Nos. 46, 50.

Provides, as a basis therefor:

That the lands in both groups shall be located outside the limits of a city or village. Nos. 46, 50.

That the lands in group 1 shall be adequately stocked with trees; the species, approximate spacing, and manner of planting being specified, where planting is necessary. No. 46.

That the lands of group 2 shall be unsuited to agriculture, and of 5 acres or more in extent. No. 50.

That State forests shall be classified with group 1. No. 46.

Requires:

That application for group 1 shall be made to the State forester; and, for group 2, to the listers in each organized town or to the board of appraisers for the unorganized towns and gores. Nos. 45, 50, 51, 56.

That the suitability of the land for classification shall be determined by the State forester for group 1; and, by the listers (or board of appraisers) for group 2, subject to appeal therefrom by the owner. Nos. 45, 51, 53, 55.

Becomes finally effective:

For group 1, through the issue of a certificate of classification by the State forester. No. 45.

For group 2, by being set in the grand list by the listers (or board of appraisers). Nos. 51, 56.

Continues in effect, for both groups, so long as the land is maintained in condition suitable to continuous forest production; and, whenever this condition ceases, the classification is canceled. Nos. 47, 52, 54, 56.

Valuation.

Requires:

That, for purposes of the general property tax, assessed values, for both groups, be established, once for all, at the time of classification, and so remain until 1950. Nos. 46, 52.

That, for group 1, the assessed value of the land be the only value so established and at not to exceed \$3 an acre. No. 46.

That, for group 2, the assessed value of the land and timber together be so established, namely at the same figure at which they were assessed at the quadrennial appraisal immediately preceding. Nos. 51, 56.

That, in each group, a reassessment, on the same basis, but without the limitations as to value originally imposed, be made in 1950 and continue unchanged for a period of 50 years. Nos. 46, 52.

That, in both groups, for purposes of the yield tax, the appraised stumpage value of the timber shall be determined on the basis of the quantity and stumpage value of material cut, as reported by the owner, or as reviewed and revalued by the listers (or board of appraisers); or, in event of an appeal by the owner, as again reviewed, by a special board. Nos. 48, 53, 55, 56.

Annual, or General Property, Tax.

Is levied, up to 1950, in both groups, upon the assessed values established at time of classification; and, thereafter, for a period of 50 years, upon the reassessments of those values. Nos. 46, 52.

Yield Tax.

Is imposed:

Upon the appraised value of any products cut from lands in either group, with the exception of such products as are devoted to personal use, and, in the case of group 1, with the further exception of such material as may be removed in the process of thinning, the stumpage value of which does not exceed the cost of removal. Nos. 46, 48, 53, 56.

Is levied:

In the case of group 1 at the rate of 10 per cent. No. 46.

In the case of group 2 at the rate of one-tenth of 1 per cent, for each year that the land in any given tract has been classified, up to a maximum rate of not to exceed 7 per cent. No. 53.

Is due:

Whenever a taxable product is cut on lands in either group, and notice to that effect by the town treasurer is issued. Nos. 49, 53.

² In this connection special reference is made to the following specific provision in No. 6: "Said forester shall, by complaint to the proper prosecuting officer, cause the prosecution of a person who violates a provision of law relating to forests and forest fires." * * *

³ For powers and duties and pay of town forest firewardens, see "Forest firewardens," on p. 4.

¹ Failure on the part of the State forester to perform any of the duties named renders him liable to a fine of not more than \$10. (See No. 23.)

Is payable:

To the town treasurer, in full, within 30 days, and in triple amount, beyond 30 days, following his notice. Nos. 49, 53.

Is collectible:

Through an action of tort by the town, whenever payment is refused. Nos. 49, 53.

Special Cancellation Tax.

Is imposed upon the stumpage value of the standing timber:

Whenever the land is not maintained in a condition suitable to continuous forest production, including the holding thereon, uncut, of a stand of timber which has matured; and is in addition to any annual or special tax that may have been paid, or may be collectible. Nos. 47, 54.

Is levied:

At a unit rate per cent for each year that the land in any given tract has been classified; such unit rate is one-half of 1 per cent in the case of group 1, and one-tenth of 1 per cent in the case of group 2. Nos. 47, 54, 53.

At a maximum rate of not to exceed 7 per cent in the case of group 2 only. No. 53.

Is due:

In the case of group 1, whenever the classification of lands is canceled. No. 47.

In the case of group 2, whenever an owner, upon notification from the listers (or the board of appraisers) that his timber is mature and should be cut, elects to surrender classification rather than cut such timber. Nos. 54, 56.

Is payable:

In the case of group 1, in full, within 30 days, and in triple amount, beyond 30 days, following notification, from the town treasurer, that the tax is due. No. 49.

In the case of group 2, within three months from receipt of notification from the listers (or appraisers), that the timber is mature and should be cut. No. 54.

Is collectible:

In the case of both groups, through an action of tort by the town. Nos. 49, 54.

State Forester.¹

In the case of both groups:

Directs manner of making application for classification. Nos. 45, 51,

In the case of group 1:

Also determines suitability of lands, and issues certificate of classification. No. 45.

Approves species of trees that may be grown on such lands, and the manner of planting thereon. No. 46.

Examines classified lands, whenever deemed necessary, and cancels classification when proper forest conditions are not maintained. No. 47.

In the case of lands planted and exempted prior to 1913, for a term of 10 years, under the provisions of an earlier act:

Makes rules and regulations for care of the trees planted thereon, and, upon request, furnishes copies of the same. No. 32.

Revokes the certificate of exemption when necessary, by written notice to the town clerk. No. 33.

Chief Forester.¹

Is, ex officio, a member of all boards of appeal in cases of forest classification. No. 57.

Owners of Lands.

Are required:

To give 30 days' notice to the listers (or appraisers) of intention to cut on lands in group 2, under penalty of payment of three times the amount of the tax. Nos. 53, 56, 49.

To file, with the listers (or appraisers), in the case of both groups, a statement as to the appraised value of the timber cut; which action, in the case of group 2, must be in advance of removal of the timber. Nos. 48, 53, 56.

May appeal from decisions by the listers (or appraisers):

As to the suitability of lands for classification in group 2; as to the maturity of trees growing on such lands; and as to the appraised value of material cut from lands in either group. Nos. 55, 48, 56.

Are entitled to have their lands which were planted and exempted prior to 1913 for a term of 10 years under the provisions of an earlier act continue to be exempted subject to conforming to the rules and regulations laid down by the State forester. Nos. 44, 32.

Exemption from the General Tax Law.

Is granted for a term of 10 years in the case of certain tree plantations established prior to 1913. No. 44.

Is subject to revocation for violation of the State forester's rules and regulations governing the plantations. No. 33.

¹ Willful neglect of any duties here indicated is punishable by imprisonment for not more than one year or a fine of not over \$1,000, or by both. (See Nos. 72, 73, 74.)

MISCELLANEOUS PROVISIONS.

Board of Control.

Consists of the governor (serving as chairman), State treasurer, auditor of accounts, director of State institutions, and a member appointed, biennially, by the governor with the advice and consent of the senate. Nos. 35, 36.

Utilizes as its secretary and recording officer the secretary of civil and military affairs, who is allowed necessary expenses in connection with such work. No. 36.

Serves without compensation further than necessary expenses of its members, with the exception of the member appointed by the governor, who receives both salary (\$8 a day for services rendered) and his expenses. Nos. 35, 75.

Holds meetings at least monthly. No. 35.

Receives from State boards, institutions, commissions, officers, and departments other than judicial officers monthly reports as to work done and expenses incurred and utilizes the same for purposes of publicity. No. 37.

Has inquisitorial powers as to the operations of all State boards, institutions, commissions, officers, and departments, and may cause the governor to revoke the commission of any officer or member of a board appointed by him, with or without the advice and consent of the senate. No. 38.

Approves employment of expert or other assistance by any State board, institution, commission, officer, or department. No. 39.

Fixes salary or other compensation of persons appointed or employed by any State board, institution, commission, officer, or department, when not fixed by law;

but may not change such as may be so fixed; nor authorize expenditures in excess of any maximum limit that may be fixed by law. No. 39.

Provides office room, with furnishings, for certain State officers, commissions, boards, and departments, including the commissioner of agriculture, State forester, and chief forester, and charges costs against the moneys annually available for the support of such officers, boards, etc. Nos. 40, 41, 42.

Makes reports and recommendations to the general assembly, biennially. No. 43.

The members thereof are subject to imprisonment for not more than one year, or a fine of not more than \$1,000, or both, for willful neglect to perform any of the above described duties. Nos. 72, 73, 74.

Committee on Budget.

Has authority to make any expenditures necessitated by unforeseen circumstances or emergencies, and may pledge the credit of the State therefor; the moneys so used being appropriated for such purposes and included in the budget for the next biennial fiscal period. No. 34.

General Penalty for Failure to Perform Official Duties.

Imprisonment for not more than one year or a fine of not over \$1,000, or both such fine and imprisonment, are, in the absence of a specific penalty for the offense in question, imposed upon any State, county, town, or fire district officer who willfully neglects to perform the duties imposed upon him by law. Nos. 72, 73, 74.

TEXT OF LAWS.

NOTE.—The abbreviation G. L., whenever used below, has reference to the State code, entitled, "General Laws", issued 1917.

(No. 1.) Sec. 359, G. L., am. by L. 1919, act 12, sec. 1. The governor may, in the name of the state, lease for a term of years or otherwise, such land or lands as he deems necessary for the protection and proper management of state forest reserves, or for use by the state in connection with state forest reserves; and the governor may also, in like manner, lease any land or lands he deems can be used to advantage by the state in connection with any state institution or department. Leases so entered into shall be kept on file in the office of the secretary of state. The auditor of accounts is hereby authorized to draw orders for obligations incurred under the provisions of this section. [L. 1917, act 14, sec. 1.]

(No. 2.) Sec. 428, G. L. The governor shall biennially in the month of January, with the advice and consent of the senate, appoint a commissioner of agriculture. Said commissioner shall maintain such office and employ such assistance, clerical or otherwise, as the governor deems necessary for the proper performance of his duties. [L. 1917, act 17, sec. 2; * * *; L. 1908, act. 11, sec. 6.]

(No. 3.) Sec. 429, G. L. Said commissioner shall, from time to time, apportion, subject to the approval of the

governor, the moneys annually available for carrying out the provisions of this¹ and the following chapter² between agriculture and forestry, as in his judgment will best subserve the interests of the state. [L. 1917, act 17, sec. 1; * * *; L. 1908, act 11, sec. 11.]

(No. 4.) Sec. 430, G. L. Said commissioner shall promote the agricultural interests and education throughout the state by means of institutes, farmers' meetings, lectures, essays, bulletins, * * * nature leaflets and such other means as he deems advisable, and may employ, subject to the approval of the governor, assistants, lecturers, essayists and experts in conducting meetings, in the preparation of bulletins * * * and in the proper discharge of his duties. Such educational work shall include, among other topics, forestry, * * * Lectures and essays shall be given and institutes and meetings held at such places and times as said commissioner deems advisable. Said commissioner may attend conventions, meetings, or institutes relating to agriculture, held in other states or countries.

¹ Chapter 25 (Agriculture) of the General Laws, which contains secs. 428, 429, 430, 435.

² Chapter 26 (Forestry) of the General Laws, which contains secs. 463-490.

Said commissioner may, with the approval of the governor, use a portion of the moneys apportioned for agriculture, to represent the state by exhibit or otherwise outside of the state. [L. 1917, act 17, sec. 3; * * *; L. 1908, act 11, sec. 7.]

(No. 5.) Sec. 435, G. L. Said commissioner shall, in each even year, submit a detailed report of his work to the governor, together with such facts and abstracts as are hereinafter required to be included therein, and together with such suggestions in regard to the duties of his office and the advancement of the agricultural interests of the state as may seem pertinent. Said commissioner may include in such report such addresses, lectures and essays delivered under the provisions of this chapter¹, as he deems advisable, and may reprint therein bulletins, * * * and leaflets. Said commissioner may include in such report an abstract of the proceedings of such agricultural clubs or other organizations or institutions for the furtherance of agricultural education and interests, as he deems advisable. There shall be published with such report, * * * the report of the state forester * * * [L. 1917, act 17, secs. 4, 9; * * *; L. 1908, act 11, sec. 9.]

(No. 6.) Sec. 463, G. L. The commissioner of agriculture shall, by virtue of his office, be state forester. Said forester shall have direction over all forest interests and all matters pertaining to forestry, and shall be, ex officio, forester in charge of the nursery for forest seedlings. Said forester shall be, ex-officio state firewarden and may, in his discretion, exercise all the authority of the firewarden in a town or gore and may do any act which said warden may do under the provisions of this chapter²; and every person and town shall be governed and bound by such acts of said forester as if the same had been performed by said warden, but this provision shall not affect the authority of said warden. Said forester shall manage the state forest reserves. Said forester shall collect data and make expert studies relative to state forest conditions. Said forester may prepare bulletins, deliver addresses, lectures and demonstrations in forestry. Said forester may advise owners of forest lands in this state relative to the management of the same, provided that all necessary expenses incident thereto are met by those requesting such services. Said forester shall, by complaint to the proper prosecuting officer, cause the prosecution of a person who violates a provision of law relating to forests and forest fires, and shall cause actions to be instituted by the attorney general in behalf of the state against all persons trespassing upon or injuring any state forest property. Said forester shall appoint a deputy who shall be a professionally trained forester, who shall be known and officially designated as the chief forester of the state of Vermont, who may, subject to the approval of the governor, conduct and report upon experimental investigations pertinent to forestry in coopera-

tion with the Vermont agricultural experiment station and the United States forest service, and deliver addresses, lectures, and demonstrations in forestry in connection with the resident and extension service of the state agricultural college, provided, however, that said station, service and college bear their proportional shares of the total expense involved in such work. Said deputy shall hold office during the pleasure of said forester; and said forester may employ such other assistance as the governor deems necessary to properly perform the duties of said forester. Said deputy shall at all times be subject to the orders of said forester. [L. 1917, act 17, sec. 8; L. 1908, act 11, secs. 2, 5; * * *; L. 1904, act 16, sec. 1.]

(No. 7.) Sec. 464, G. L. Said forester shall, in each even year, make a report to the governor of his official acts and of all matters in his charge, together with such recommendations as he deems proper. [L. 1917, act 17, sec. 9; * * *; L. 1904, act 16, sec. 2.]

(No. 8.) Sec. 465, G. L., am. by L. 1919, act 28, sec. 1. The governor is hereby authorized, upon recommendation of said forester, to accept gifts of land to the state³ the same to be held, protected and administered as a state forest reserve. All proceeds from the sales of timber or other products from such lands shall be paid to the state treasurer and be used at the discretion of said forester in the furtherance of the forestry interests of the state. All lands held as state forest reserves shall be appraised under the provisions of section seven hundred and twenty-two of the General Laws⁴ and set to the state in the grand list of the town where located and the state shall pay taxes thereon. [L. 1917, act 17, sec. 10; L. 1908, act 11, sec. 3.]

(No. 9.) Sec. 466, G. L. Said forester, with the consent of the governor, is authorized to purchase lands in the name of the state¹ to be held, protected and administered as state forests as provided in the preceding section. The moneys annually available for the purposes of this section in addition to paying the purchase price of such lands may be used for surveying same and for reforesting such portions thereof as are suitable for such purpose. [L. 1912, act 28, sec. 1.]

(No. 10.) Sec. 467, G. L. The commissioner of agriculture may use such portion of the moneys apportioned for forestry as he deems advisable for the erection of shelters, lookout towers, storehouses or barns on any of the state forest property. [L. 1917, act 17, sec. 11; L. 1912, act 29.]

(No. 11.) Sec. 468, G. L., am. by L. 1919, act 16, sec. 1. The board of selectmen of each town shall annually, on or before the first day of January, appoint a town forest firewarden, who, upon his acceptance and upon the approval of said forester, shall serve for the calendar year. Said warden shall receive three dollars a day for time spent in the performance of the duties of his office, which shall be paid by the town. Upon the failure of said selectmen to make such appointment by the first day of March in any

¹ Chapter 25 (Agriculture) of the General Laws, which contains secs. 428, 429, 430, 435.

² Chapter 26 (Forestry) of the General Laws, which contains secs. 463-490.

³ For general authority conferred upon the governor to accept gifts, to the State, of real and personal property, see, in volume of the General Laws, secs. 357, 358.

⁴ See p. 14.

year, said forester shall appoint such town forest firewarden. Said warden shall, when a forest fire or fire threatening a forest is discovered in his town enter upon any premises and take measures for its prompt control and extinguishment, and he may call upon any person in the town for assistance, and said person shall be paid by the town at the same rate per hour as is paid for labor upon highways. A minimum of five hours' pay shall be allowed persons who are officially summoned to assist in the extinguishment of forest fires. A person who neglects or refuses to assist when so called by said warden, and not excused shall be fined not more than ten dollars. Said warden may arrest without warrant any person found in the act of violating a provision of law pertaining to forest fires. A town shall not be held liable in any one year for an amount greater than ten per cent of its grand list, for the purpose of extinguishing forest fires of which sum not to exceed one half shall be recovered by the town through a special levy of not to exceed five cents per acre, which levy shall be assessed on a per acre basis as an extra item in the regular tax bill against all unoccupied lands or uninclosed lands or both containing inflammable material, which, in the opinion of the state forester, from facts placed before him by the owner of such lands or the selectmen of the town in which the lands lie or both, have not been provided during the previous year by said owner with adequate protection against fire. Failure of an owner of such lands to provide them with such protection, or failure to file on or before November first a statement in proof thereof with said forester shall be prima facie evidence of the absence of such protection. Occupancy of a farm by an owner or his tenant shall constitute adequate protection of the timberlands thereon. All sums spent by a town in forest protection in excess of ten per cent of its grand list shall be paid by the state from the moneys annually available for the purposes of any unforeseen contingency, and the auditor of accounts shall draw an order for any such excess, when the same is approved by the committee on budget under the provisions of section 654 of the General Laws.¹ Whenever said warden employs men in extinguishing a fire in a town adjoining his own the expense incurred shall be paid by the town in which the work was done. If a town neglects or refuses to pay said warden or his assistants for their services, said forester shall, if he finds the same to be justly due, certify the amounts to the auditor of accounts, together with the names and addresses of the claimants, and said auditor shall draw an order therefor payable to such claimants, and the town liable for such services shall reimburse the state for the amount so paid. [* * *; L. 1904, act 16, sec. 3.]

(No. 12.) Sec. 469, G. L., am. by L. 1919, act 16, sec. 2. Said forester may appoint a forest fire warden for an unorganized town or gore, who shall hold office for one year. Said wardens shall have the same powers and duties as town forest firewardens and shall receive three dollars a day for the time spent in the performance of the duties of

his office. Said warden may call on any person, whether resident or not of such town or gore, for assistance and such person shall receive the same pay and be liable to the same penalties as prescribed for persons called upon by a warden under the provisions of the preceding section. The per diem of said warden and said persons and all expenses incurred by said warden in extinguishing forest fires shall, on the approval of the committee on budget under the provisions of section 654 of the General Laws² be paid by the state from the moneys annually available for the purposes of any unforeseen contingency, and the auditor of accounts shall draw orders therefor. [* * *; L. 1904, act 16, sec. 4.]

(No. 13.) Sec. 470, G. L. A forest firewarden shall keep a record of his acts, the amount of expenses incurred, the number of fires and causes, the areas burned over and the character and amount of damages done in his jurisdiction, and shall, within two weeks after the discovery of such a fire, report the same to said forester on blanks which shall be furnished by him. [* * *; L. 1904, act 16, sec. 7.]

(No. 14.) Sec. 471, G. L., am. by L. 1919, act 16, sec. 3. Such a warden shall, during the danger season and subject to the approval or direction of said forester, establish a patrol in dangerous localities, and the expense for the same shall be paid as expenses for fighting fires. Said wardens shall receive the same pay for time spent in posting notices, patrolling or making reports that they receive for time spent in actual fire fighting. A warden who fails to perform his duties without sufficient reason shall be fined not more than twenty-five dollars. [L. 1910, act 20, sec. 4.]

(No. 15.) Sec. 472, G. L. Said forester may use such portion of the money apportioned for forestry as he deems necessary, for paying the expense of such wardens as he may invite to a local meeting for the discussion of fire problems. [L. 1917, act 17, sec. 12; L. 1910, act 20, sec. 5.]

(No. 16.) Sec. 473, G. L. Whenever an owner of forest lands establishes at his expense a fire-lookout station on any prominent hill or mountain overlooking timber lands in the state and connects the same by telephone with some regular telephone line, said forester is authorized to use such portion of the moneys apportioned for forestry, for maintaining a watchman at such station during such period, as said warden deems advisable, but such expense shall not exceed two dollars per day. [L. 1910, act 20, sec. 6.]

(No. 17.) Sec. 474, G. L. Whenever said forester deems it difficult in any town for one warden to successfully take charge of protecting the entire town from forest fires, he may divide such town into two or more districts and designate the district to be under the charge of the town warden and appoint a district forest firewarden in charge of the other district. Said wardens shall have the same powers, duties and pay, and make the same reports to said forester as town forest firewardens. [* * *; L. 1910, act 20, sec. 7.]

¹ See No. 34, on p. 13.

² See No. 34, on p. 13.

(No. 18.) Sec. 475, G. L. Whenever there are woodlands within the limits of a city, the chief of the fire department of such city shall act as firewarden with all the powers and duties of town forest firewardens, but without additional salary. [L. 1910, act 20, sec. 8.]

(No. 19.) Sec. 476, G. L. Said forester may prepare bulletins or circulars treating of forest fires, their prevention, the best methods of controlling and extinguishing the same, the laws of the state on the subject, the care of woodlands, the best methods of lumbering, the promotion or preservation of forest growth and kindred subjects, and such bulletins or circulars may be printed and circulated at the expense of the state and may be included in the printed report of said forester. [* * *; L. 1904, act 16, sec. 8.]

(No. 20.) Sec. 477, G. L. Fires kindled for the purpose of burning brush or for other lawful purpose shall be kindled only at such times and under such conditions as will enable the parties starting them to keep them entirely under control.¹ [* * *; L. 1904, act 16, sec. 9.]

(No. 21.) Sec. 478, G. L. A person who builds a fire in or adjoining any woods shall totally extinguish such fire before leaving it. A person who violates a provision of this section shall be imprisoned not more than thirty days or fined not more than fifty dollars, or both. [* * *; L. 1904, act 16, sec. 5.]

(No. 22.) Sec. 479, G. L. Said forester shall have notices printed in large letters, containing the provisions of the preceding section and proper warning as to danger of forest fires. Such notices shall be furnished to firewardens, who shall post them in suitable places, and may also be furnished to private landowners. [* * *; L. 1904, act 16, sec. 6.]

(No. 23.) Sec. 480, G. L. An officer who neglects to perform the duties imposed upon him by this chapter² a person who willfully tears down or defaces a notice posted under the provisions of this chapter or a person who disobeys any of its provisions for which no other penalty is provided, shall be fined not more than ten dollars for each offense. The firewarden shall make complaint to the proper officer of offenses under this chapter. [* * *; L. 1904, act 16, sec. 10.]

(No. 24.) Sec. 481, G. L. The Vermont agricultural experiment station shall, at its own expense, furnish the necessary land for a nursery for the propagation of forest seedlings of useful varieties and shall furnish the necessary expert supervision thereof, and shall, as soon as may be and as far as practicable, furnish to all applicants who are residents of or landowners in this state, material for forest planting at the actual cost of the same, and such material shall be used for forest planting in this state. [* * *; L. 1906, act 15, secs. 2, 3.]

(No. 25.) Sec. 482, G. L. Said forester may, subject to the approval of the governor, use such portion of the moneys apportioned for forestry as seems reasonable, for the development of nurseries for forest seedlings, and for the purpose of supplying, at cost, seedlings for the planting of State forest reserves, municipal forests and private lands, as provided in

the preceding section. All moneys received from the sale of such seedlings shall be covered into the state treasury and may be used by said forester in the furtherance of the forestry interests of the state. [L. 1917, act 17, sec. 13; * * *; L. 1908, act 11, sec. 4.]

(No. 26.) Sec. 483, G. L. Said forester shall furnish to an applicant for such forest seedlings suitable directions for planting the same and shall, when requested, so far as he may be able, furnish skilled assistance or supervision for such work, and the applicant therefor shall pay the expense thereof. [* * *; L. 1906, act 15, sec. 4.]

(No. 27.) Sec. 484, G. L. Any surplus stock in such nursery from time to time after the demands mentioned in the third preceding section have been supplied, may be sold at fair market prices to parties for use without the state. [* * *; L. 1906, act 15, sec. 5.]

(No. 28.) Sec. 485, G. L. A town may, at any legal meeting, vote such sums of money as it deems best for the purchase, management and improvement of lands for the purpose of growing wood and timber thereon. [L. 1915, act 24, sec. 1.]

(No. 29.) Sec. 486, G. L. A town owning, either through donation or purchase, a tract of land of not less than forty acres, may have the same examined without cost by said forester, for the purpose of determining whether the same is suitable for a municipal forest. If, upon such examination, said forester decides that it is suitable for such purposes, it shall be designated as a municipal forest, and said forester shall give advice as to what trees shall be planted thereon and as to the subsequent management thereof. [* * *; L. 1915, act 24, sec. 2.]

(No. 30.) Sec. 487, G. L. Such municipal forests shall be managed under the direction of said forester, and only such trees may be cut as he may, from time to time, designate. The protection of such forests shall be under the town forest firewarden, who shall be paid for his services in connection therewith by the town, at the same rate as he is paid for fighting forest fires, upon the approval of his account by said forester. [L. 1915, act 24, sec. 4.]

(No. 31.) Sec. 488, G. L. All moneys received for the sale of lumber, wood or other products from such a forest, shall be paid into the treasury of the town owning the same. [L. 1915, act 24, sec. 5.]

(No. 32.) Sec. 489, G. L. Said forester shall make rules and regulations relating to the care of timber or forest trees planted prior to January first, nineteen hundred and thirteen, under the provisions of section three hundred and sixty-eight of the Public Statutes.³ Said forester shall furnish a printed copy of such rules and regulations to any person upon request. [L. 1912, act 40, sec. 5; P. S., sec. 368; L. 1904, act 17, sec. 2.]

(No. 33.) Sec. 490, G. L. Said forester shall revoke the certificate of exemption of an owner or occupant of exempt land who violates or knowingly permits to be violated

¹ For penalty in case of violation of these provisions see No. 23.

² Chapter 26 (Forestry) of the General Laws, which contains secs. 463-490.

³ Sec. 368 of the Public Statutes gave the state forester authority to determine upon the manner in which such lands as were exempted from taxation were to be planted, the number and kinds of trees to be used, and other similar details.

such rules or regulations of said forester, by giving notice in writing of such revocation to the town clerk with whom the original certificate was filed; and, upon the filing of such notice, such exemption shall cease. [L. 1912, act 40, sec 5; P. S., sec. 370; L. 1904, act 17, sec. 5.]

(No. 34.) Sec. 654, G. L. Said committee [*the committee on budget*] shall have the authority to make any expenditures necessitated by unforeseen circumstances or emergencies and may pledge the credit of the state for the same, * * *, and all sums of money used under the provisions of this section are hereby appropriated for the purposes mentioned in this section. All moneys used and expended under the provisions of this section shall be included in the budget for the next biennial fiscal period. [* * *; L. 1915, act 26, sec. 14.]

(No. 35.) Sec. 655, G. L. The board of control shall consist of the governor, state treasurer, auditor of accounts, director of state institutions and a person to be appointed biennially by the governor with the advice and consent of the senate. Such appointed member shall hold office for the term of two years from and including the first day of February in the year of his appointment. The members of said board except the person appointed by the governor and confirmed by the senate shall serve without pay, but all shall be paid their necessary expenses when away from home on official business. Said board shall meet in the state capitol or at such other places as the governor may designate at least monthly to transact such business as may properly come before it. [L. 1917, act 32, sec. 1.]

(No. 36.) Sec. 656, G. L. The governor shall be the chairman of said board, and the secretary of civil and military affairs shall be its secretary and recording officer and as such shall be allowed his necessary expenses incurred in carrying out the duties of his office. [L. 1917, act 32, sec. 2.]

(No. 37.) Sec. 657, G. L. All state boards, institutions, commissions, officers and departments other than judicial officers shall make monthly reports to said board, and such reports shall contain a statement of work done and expenses incurred during the preceding month. The board of control shall deliver such reports to the legislative reference librarian, who shall make condensed statements thereof and furnish copies of the same to newspapers of the state. [L. 1917, act 32, sec. 3.]

(No. 38.) Sec. 659, G. L. The board of control shall, at all times, have power to examine the books, accounts and business of every state board, institution, commission, officer or department, and the governor may, and shall, upon recommendation of said board, revoke the commission of any member of a board or commission or of any officer appointed by him with or without the advice and consent of the senate. [L. 1917, act 32, sec. 4.]

(No. 39.) Sec. 660, G. L. Clerical, expert or other assistance shall not be employed by any state board, institution, commission, officer or department without the approval of the board of control. Such a board, institution, commission, officer or department being in

need of clerical, expert or other assistance shall make application to the board of control setting forth the reasons for such need and if the board of control finds that such assistance is necessary, it shall authorize such board, institution, commission, officer or department to employ such assistance. The salary or compensation of all persons who are appointed or employed by any state board, institution, commission, officer or department shall be fixed by the board of control, but whenever the law fixes the maximum limit to be expended by any such board, institution, commission, officer or department for clerical, expert or other assistance, the board of control shall not authorize the expenditure of moneys in excess of such limit, and where the law fixes the salary or per diem of a person appointed by such a board, institution, commission, officer or department, the board of control shall not have power to change such salary or per diem. [L. 1917, act 32, sec. 5.]

(No. 40.) Sec. 662, G. L. The following officers, commissions, boards and departments shall have their offices in Montpelier in rooms to be designated by the board of control, when said board shall direct: the governor, state treasurer, secretary of state, auditor of accounts, attorney general, department of education, * * *, commissioner of agriculture, * * *, state forester and chief forester, * * *, fish and game commissioner, * * *. [L. 1917, act 35, sec. 1.]

(No. 41.) Sec. 663, G. L. If there is not available room for such offices in the state house or new administration building, said board shall contract for the rental of such rooms in the city of Montpelier as it deems necessary. Said board is authorized to furnish each office with necessary furniture and equipment, which shall be purchased by the purchasing agent, as said board directs. [L. 1917, act 35, secs. 2, 3, 4.]

(No. 42.) Sec. 664, G. L. The auditor of accounts shall draw orders on account of contracts or purchases made by said board or purchasing agent under the provisions of the preceding section and charge the amounts of such orders to the moneys annually available for the support of such office, commission, board or department. [L. 1917, act 35, sec. 5.]

(No. 43.) Sec. 665, G. L. Said board shall in each even year make a report to the general assembly showing the work done during the preceding two years and may include such recommendations and other matters as seems pertinent. [L. 1917, act 32, sec. 12.]

(No. 44.) Sec. 720, G. L. Uncultivated land planted with timber or forest trees under the provisions of section three hundred and sixty-eight of the Public Statutes¹ prior to January first, nineteen hundred and thirteen, shall be exempt from taxation for a term of ten years, commencing on the first day of April in the second year after such lands were so planted and the certificate of planting is filed as provided in section three hundred and sixty-nine of the Public Statutes. The listers shall note

¹ See footnote to No. 32, on p. 12.

such exemption in the grand list. [L. 1912, act 40, sec. 5; P. S., sec. 496, subsec. XIV; L. 1904, act 17, secs. 1, 3, 4.]

(No. 45.) Sec. 721, G. L. An owner of land of the description specified in the following section, who wishes to have it classified under the provisions thereof, shall make application therefor to the state forester, accompanied by such description thereof as said forester may require. Said forester shall thereupon examine the land in question, and if he finds the requirements of the following section have been fulfilled, he shall issue a triplicate certificate of classification, the original to be filed in his office, one copy in the office of the clerk of the town in which the land lies and one copy given the owner. [L. 1912, act 40, sec. 1.]

(No. 46.) Sec. 722, G. L., am. by L. 1919, act 28, sec. 2. Land fully stocked with forest trees not more than fifteen years old, except scattered trees the presence of which does not increase the assessed value of the property; land incompletely or partially stocked with forest trees not more than fifteen years old, when planted with a sufficient number of additional trees to assure a spacing of approximately six by six feet over the entire area; lands held as state forest reserves; and open land planted with not less than one thousand forest trees to the acre, shall be classified as forest land; provided in each case that the trees planted are of the following species: ash, bass wood, oak, maple, white, Scotch or Norway pine, European larch, white or Norway spruce, or any other species approved by the state forester, and provided further that said forester approves the manner in which the trees are planted, and provided further that such land is outside the limits of a city or village. Land so classified shall thereafter be taxed annually, under the general tax law, at the local rate on a valuation of the land alone, such valuation to be established by the listers¹ at the time of classification, in no case to exceed three dollars an acre, and such valuation shall be maintained until the year nineteen hundred and fifty. In such year, the land alone shall be revalued without regard to the above limit, and the valuation then established shall be maintained for a further period of fifty years, taxes being levied annually, under the general tax law, on such valuation at the local rate. Whenever a commercial cutting is made, the owner of the timber shall pay a special tax on the gross stumpage value of the amount cut, which is hereby assessed at ten per cent of such value. [L. 1912, act 40, sec. 2.]

(No. 47.) Sec. 723, G. L., am. by L. 1919, act 29, sec. 1. Classification as forest land under the provisions of the preceding section shall continue so long as proper forest conditions are maintained thereon. Use of such land for pasture to the detriment of the trees thereon; destruction by fire of the tree growth and failure of the owner to restore forest conditions; removal of tree growth and use of land for other purposes; or any other changed conditions which, in the opinion of the state forester, indicate that proper forest conditions are not maintained, shall be

sufficient ground for cancellation of classification. When requested by the listers¹ or whenever he deems it necessary, said forester shall examine forest land so classified, and, if he finds that the provisions of law are not fully complied with, he shall forthwith cancel such classification, and send notice thereof to the clerk of the town in which the land lies and to the owner thereof. Such land shall thereafter be taxed under the general tax law, unless it is granted re-classification as forest land at a subsequent date. Whenever a classification is cancelled, the owner of the land shall pay a special tax on the stumpage value of the standing timber, which is hereby assessed at a half of one per cent per annum for the entire number of years such land has been under classification. Such tax shall be in addition to any annual tax or special tax which may have been paid, or may be collectible. [L. 1912, act 40, sec. 3.]

(No. 48.) Sec. 724, G. L., am. by L. 1919, act 29, sec. 2. All products of cuttings on classified land shall pay the special tax provided in the second preceding section, except material cut for domestic use and which is not to be sold, or material removed in the form of thinnings to improve the condition of the remaining stand, and whose stumpage value does not exceed the cost of removal. Whenever a cutting is made other than herein excepted the owner of the timber shall file with the listers¹ a sworn statement of the quantity cut and its stumpage value. If the listers deem the value as so stated too low, said listers shall determine the same and report it to the owner. Should the owner be unwilling to accept the valuation so determined, said owner may take an appeal therefrom in the manner provided for appeals in chapter forty-three.² [L. 1912, act 40, sec. 4.]

(No. 49.) Sec. 725, G. L. As soon as taxes specially assessed by either the second or third preceding section become due, the town treasurer shall send written notice thereof to the person liable for the same, requiring payment within thirty days thereafter; and if such tax is not so paid, said person shall be liable to a penalty of three times the amount thereof, to be recovered by the town in an action of tort, on this statute. [L. 1917, act 254, sec. 693.]

(No. 50.) Sec. 726, G. L. The owner of waste, partially denuded or wild forest land of the area of five acres or more, outside of city or village limits, occupied wholly or in part by a natural or planted growth of trees more than fifteen years old, or by both, which land is unsuitable for cultivation, may apply to the listers¹ of the town in which it lies to have it separately classified for taxation. [L. 1912, act 41, sec. 1.]

(No. 51.) Sec. 727, G. L. Each such application shall be made in duplicate on blanks furnished by the state forester, and shall give a brief description of the land, its area, character and location, and such other information as said forester may require. Upon the filing of such application with the listers,¹ they shall make an inspection of such land to determine whether the same is of a suitable character to be so classified. If, upon examination, the listers are satisfied that it is suitable for the growing of

¹ See also No. 56.

² See volume of General Laws.

forest trees, they shall classify such land as forest land and set it in the grand list at the valuation fixed at the preceding quadrennial appraisal.¹ [L. 1912, act 41, sec. 2.]

(No. 52.) Sec. 728, G. L. From the time of such classification and so long as such land is maintained as a wood and timber lot, it shall be classified and taxed as provided in this and the preceding section. From the time of such classification and thereafter until the year nineteen hundred and fifty, it shall be taxed, under the general tax law, at the local rate upon the valuation established at the preceding quadrennial appraisal. In the year nineteen hundred and fifty, a revaluation of both land and timber shall be made and such revaluation shall be subject to an annual tax under the general tax law at the local rate for a period of fifty years from the date of such revaluation. [L. 1912, act 41, sec. 3.]

(No. 53.) Sec. 729, G. L. An owner who purposes to cut live trees from such land, except for firewood, repairs on his own buildings or for the domestic use of himself or tenant, shall give the listers¹ of the town in which such land lies at least thirty days' notice prior to the time he desires to begin such cutting. After the trees on such land are cut and before their removal from the land, the owner shall make an accurate measurement or count thereof and file the same, together with a description of the variety and value of such trees, in the town clerk's office, and the listers¹ shall forthwith appraise the stumpage value of the timber so cut; and before the removal of any of such timber, such owner shall pay to the treasurer of the town a special tax which is hereby assessed at a tenth of one per cent of such valuation for each year that such land has been classified and taxed as provided in the two preceding sections, but in no case shall such tax exceed seven per cent of such valuation. Such tax shall be collected as provided in section seven hundred and twenty-five; and if such owner fails to give the notice herein required, or fails to pay the tax as required, he shall be liable to the penalty prescribed in such section. [L. 1912, act 41, sec. 4.]

(No. 54.) Sec. 730, G. L. Whenever in the opinion of the listers¹ the trees growing on such forest land are mature or such land ceases to be used as a wood or timber lot to an extent entitling the owner thereof to the privileges of this chapter, they shall report that fact to the owner or manager of the land; and if the owner declines to cut such trees, he shall, within three months after receiving such report, pay to the town treasurer the amount of tax that would be due the town if such trees were cut as provided in the preceding section; and, on his refusal or neglect to make such payment, such tax may be recovered by the town in an action of tort, on this statute. Thereafter the provisions of the four preceding sections shall no longer apply, and the listers¹ shall appraise such land in the manner provided for the appraisal of other land. [L. 1912, act 41, sec. 5.]

(No. 55.) Sec. 731, G. L., am. by L. 1919, act 29, sec. 3. If the listers¹ and the owner of a wood or timber lot, the

classification of which has been applied for under the fourth and fifth preceding sections, can not agree as to such classification, or if after such classification they can not agree as to the maturity of the trees growing thereon or the stumpage value thereof when cut, the listers¹ shall make their decision thereon and the owner may appeal therefrom in the manner provided for appeals in chapter forty-three.² [L. 1912, act 41, sec. 6.]

(No. 56.) Sec. 4,³ act 29, L. 1919. For the purpose of this act annual appraisals in unorganized towns and gores shall be considered quadrennial appraisals and the board of appraisers for such unorganized towns and gores shall have the same duties and powers as listers; and appeals shall be from their decisions under this act as from the decision of a board of civil authority of a town.

(No. 57.) Sec. 5, act 29, L. 1919. The chief forester shall be a member ex-officio of all boards constituted by the commissioner of taxes for the purpose of hearing appeals under this act.

(No. 58.) Sec. 6, act 29, L. 1919. The commissioner of taxes shall forthwith appoint a board of appeal as hereinbefore constituted which shall hear all appeals in matters relating to the classification of forest lands as provided in sections 723, 724 and 731 of the General Laws, which are pending at the passage of this act.

(No. 59.) Sec. 1403, G. L. The state school of agriculture at Randolph and the Theodore N. Vail agricultural school and farms at Lyndon shall constitute the special agricultural schools of the state for the purpose of developing the agricultural resources of the state through practical instruction in agriculture, including * * * forestry, * * *. [L. 1915, act 76, secs. 1, 2, 3.]

(No. 60.) Sec. 1438, G. L. Twenty-four thousand dollars of the moneys annually available for the use of Middlebury College shall be expended annually in * * *, and in providing instruction in forestry and * * *. [L. 1910, act 75, sec. 3.]

(No. 61.) Sec. 5254, G. L. An engineer, fireman or other agent of a railroad who is guilty of negligence or carelessness, whereby an injury is done to a person or corporation, shall be imprisoned not more than one year or fined not more than one thousand dollars. This section shall not exempt a person or corporation from an action for damages. [* * *; L. 1849, act 41, sec. 60.]

(No. 62.) Sec. 5255, G. L. When the property or person of another is injured through the default of a person or corporation owning or operating a railroad, or the agents or employees thereof, the cars, engines and other property, which, at the time of such injury, are subject to use in the running and management of such road, and which have, at any time, been owned by said person or corporation, shall be held to be the property of the person or corporation, for the purpose of furnishing indemnity for such injury, and may be attached and levied upon as such at the action of the party injured. [* * *; L. 1855, act 26.]

² See volume of General Laws.

³ The preceding sections of this act amended secs. 723, 724, 731, G. L., to read, respectively, as they are shown above, on pp. 14, 15.

¹ See also No. 56,

(No. 63.) Sec. 5256, G. L. A person or corporation owning or operating a railroad shall be responsible in damages for injury to a building or other property caused by fire communicated by a locomotive engine on such road, unless due caution and diligence are used and suitable expedients employed to prevent such injury. Said person or corporation shall have an insurable interest in the property along its route, and may procure insurance thereon. [* * *, L. 1849, act 41, secs. 61, 62.]

(No. 64.) Sec. 6359, G. L. Said wardens [*county, fish and game wardens, and deputy fish and game wardens*] shall enforce all provisions of this title [*Title 38. Preservation of Fish, Game and Fur-Bearing Animals*], and all orders and regulations issued thereunder, and arrest all violators thereof. They shall have power, in matters pertaining to this title, to serve criminal process, and power to require aid in enforcing the duties of their office. They shall have the same powers as other informing officers to make and subscribe to complaints or informations for violations of provisions of this title. * * * Said wardens shall, while in and about the woods, caution persons of the danger of fires in the woods, and shall extinguish a fire left burning, if within their power. In case of such a fire which is threatening to extend beyond their control, said wardens shall notify all parties interested, when possible, and the forest firewarden of the town in which such fire occurs. Pending the arrival of such firewarden, they shall have all the powers of such firewardens. Said fish and game wardens shall render a statement accompanied by proper vouchers, for time consumed and the expense incurred in respect to such fires, to the treasurer of the town in which the fire occurs, who shall arrange for payment therefor in the manner provided for the payment of forest firewardens. [* * *, L. 1910, act 183, sec. 2.]

(No. 65.) Sec. 6432, G. L. Whenever, during an open season for the taking of game, it appears to the governor that, by reason of drouth, the use of firearms in forests is liable to cause forest fire, he may, by proclamation, suspend such open season and make it a close season for such time as he may designate. In such proclamation, he may except from the provisions thereof localities not affected by drouth. If, during such period of suspension, it appears to the governor that the necessity therefor has ceased to exist, he may, by proclamation, reopen the season so closed; * * * [* * *, L. 1908; act 13, sec. 1.]

(No. 66.) Sec. 6433, G. L. During the time which shall be made a close season as provided in the preceding section, the several provisions of law relating to close seasons shall be in force, and a person who violates a provision thereof shall be subject to the penalties therein provided. * * * [* * *, L. 1908, act 13, sec. 2.]

(No. 67.) Sec. 6434, G. L. Proclamations made under the provisions of the second preceding sections shall be published in such newspapers of the state and posted in such places and in such manner as the governor may order in writing. A copy of such publication and order, attested by the secretary of civil and military affairs,

shall be filed with the secretary of state and a like copy shall be furnished to the state fish and game commissioner, who shall attend to the publication and posting thereof. The expenses of such publication and posting shall be paid by said commissioner and allowed by the auditor of accounts. [* * *, L. 1908, act 13, sec. 3.]

(No. 68.) Sec. 6664, G. L. Nothing in this chapter [*chapter 286—Mines and Quarries upon Public Lands*¹] shall authorize a person working a mine or quarry upon such lands [*public lands belonging to the people of the State, or lands beneath public waters*], to cut or destroy any timber whatever, except such trees as it may be actually necessary to remove in order to uncover or make a road to such mine or quarry. For all trees which are cut, the party operating such mine or quarry shall pay into the state treasury, as soon as the amount thereof is determined, such sum as the state forester, in writing filed with the secretary of state, declares to be the value of such trees. Such value in the case of merchantable timber shall, in no instance, be less than five dollars per thousand. [L. 1910, act 171, sec. 4.]

(No. 69.) Sec. 6667, G. L. The provisions of this chapter [*Chapter 286—Mines and Quarries upon Public Lands*¹] shall not be construed so as to apply to state forests. The commissioner of agriculture is hereby authorized to lease or sell, upon the approval of the auditor of accounts, such mine or quarry sites as may at any time be discovered upon any of the state forests unconditionally owned by the state. All money received by the state under the provisions of this chapter shall be used, at the discretion of said commissioner, in the furtherance of the forestry interests of the state. [L. 1917, act 17, sec. 15; L. 1915, act 22, sec. 1.]

(No. 70.) Sec. 6856, G. L. A person who willfully and maliciously sets on fire, or causes to be set on fire, woods or forest, so as to occasion injury to another person, shall be imprisoned in the state prison not more than five years or fined not more than five hundred dollars. [* * *, L. 1787, p. 161.]

(No. 71.) Sec. 6857, G. L. A person who enters upon lands of another and sets a fire that causes damage, may be imprisoned not more than sixty days nor less than thirty days or fined not more than one hundred dollars nor less than ten dollars. The provisions of this section shall not affect the provisions of the preceding section. * * * [* * *, L. 1908, act 166.]

(No. 72.) Sec. 7104, G. L. A state, county, town, village fire district or school district officer who wilfully neglects to perform the duties imposed upon him by law, either express or implied, shall be imprisoned not more than one year or fined not more than one thousand dollars, or both. [* * *, L. 1906, act 190, sec. 1.]

(No. 73.) Sec. 7105, G. L. When a duty, express or implied, is imposed by law upon a board or commission,

¹ Chapter 286 controls the operation of mines and quarries upon public lands of the State; the revenues from which consist of royalties and the sale of timber therefrom. (See also, in volume of General Laws, Secs. 6661-6663, 6665, 6666.)

any member thereof may, for any wilful neglect of such duty on his part, be accused, tried and punished separately as provided in the preceding section. [* * *; L. 1906, act 190, sec. 2.]

(No. 74.) Sec. 7106, G. L. The two preceding sections shall not be construed as affecting any statute providing a punishment for any specific neglect or omission of duty on the part of any public officer, nor as covering the offenses penalized by such special provisions of law, nor as affecting any offense committed or prosecution begun before the first day of February, nineteen hundred and seven, under any other statute or the common law. [* * *; L. 1906, act 190, sec. 3.]

(No. 75.) Sec. 7346, G. L. The member of the board of control appointed by the governor shall receive eight dollars a day for services rendered, and he shall be paid his necessary expenses when away from home on official business, * * * [L. 1917, act 32, sec. 1.]

(No. 76.) Sec. 7352, G. L. The annual salary of the commissioner of agriculture shall be three thousand dollars and he shall be paid his necessary expenses when away from home in connection with his duties as commissioner of agriculture, nursery inspector, * * * state forester and * * * [L. 1908, act 11, sec. 6; L. 1917, act 17, sec. 18.]

(No. 77.) Sec. 7394, G. L. The * * * commissioner of agriculture, * * * state forester, * * * in addition to those officers the payment of whose expenses is otherwise provided for by law, shall be supplied with office supplies and stationery necessary for official use; and payment of postage, freight, telephone, telegraph and express charges necessarily made in connection with their official duties shall be allowed in the settlement of their accounts. * * * but the provisions of this section shall not be interpreted to increase the appropriation made for the support of any office or department of government herein mentioned. * * * [* * *; L. 1912, act 247, sec. 1.]



